

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

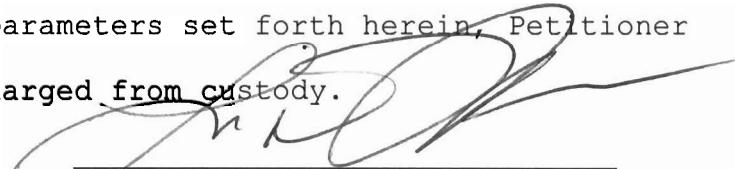
TRACY LINDSAY, )  
Petitioner )  
 )  
v. ) Civil No. 03-837  
 )  
FRANK GILLIS, et al., )  
Respondent )

ORDER OF COURT

AND NOW, to-wit, this 24 day of October, 2007, upon  
consideration of the Petitioner's Petition for Writ of Habeas  
Corpus pursuant to 28 U.S.C. § 2254, it is hereby ORDERED,  
ADJUDGED AND DECREED that said petition be GRANTED.

IT IS FURTHER ORDERED that the Commonwealth has 60 days to  
reinstate Petitioner's direct appellate rights. Specifically,  
Petitioner's direct appeal rights are to be reinstated at the  
stage in the appellate proceedings where he was abandoned by  
appellate counsel, i.e., following the Superior Court's decision  
affirming his conviction, to afford Petitioner an opportunity to  
file a timely petition for allowance of appeal and/or a timely  
petition challenging his conviction under the Post Conviction  
Relief Act.

IT IS FURTHER ORDERED that unless the Court of Common Pleas,  
Fayette County, enters an order reinstating Petitioner's direct  
appeal rights within the parameters set forth herein, Petitioner  
shall be immediately discharged from custody.

  
Lisa Pupo Lenihan  
United States Magistrate Judge